United Nations A/66/272

General Assembly

Distr.: General
5 August 2011

Original: English

Sixty-sixth session
Item 69 (b) of the provisional agenda*
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Human rights and unilateral coercive measures

Annual report of the Secretary-General

Summary

The present report is submitted in accordance with General Assembly resolution 65/217, in which the Assembly requested the Secretary-General to bring the resolution to the attention of all Member States, to continue to collect their views and information on the implications and negative effects of unilateral coercive measures on their populations and to submit an analytical report thereon to the Assembly at its sixty-sixth session. The Office of the United Nations High Commissioner for Human Rights has received replies from the Governments of Argentina, Belarus, Bosnia and Herzegovina, Burkina Faso, Cuba, Dominican Republic, Ecuador, Guatemala, Guyana, Iraq and Kuwait in response to a note verbale sent out by the Office. The present report comprises a summary of all responses received and an analysis of their contents.

* A/66/150.

11-44624 (E) 190811

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I. Introduction

1. In paragraph 15 of its resolution 65/217, the General Assembly requested the Secretary-General to bring the resolution to the attention of all Member States, to continue to collect their views and information on the implications and negative effects of unilateral coercive measures on their populations and to submit an analytical report thereon to the Assembly at its sixty-sixth session, while reiterating the need to highlight the practical and preventive measures in this regard.

2. On 5 May 2011, in accordance with paragraph 15 of resolution 65/217, the Office of the United Nations High Commissioner for Human Rights sent a request for information to all permanent missions to the United Nations Office at Geneva. As at 25 July 2011, the Office had received responses from the Governments of Argentina, Belarus, Bosnia and Herzegovina, Burkina Faso, Cuba, Dominican Republic, Ecuador, Guatemala, Guyana, Iraq and Kuwait.

II. Information received from Member States

Argentina

[Original: Spanish]
[1 July 2011]

The Republic of Argentina has consistently supported the resolutions on human rights and unilateral coercive measures in the General Assembly and the Human Rights Council. It also voted for General Assembly resolution 55/6 on the suppression of the use of unilateral measures as coercive political and economic instruments.

The Argentine position is based on the obligation of all States to refrain from adopting or applying unilateral measures that oppose international law or the Charter of the United Nations. It is also based on the annex to General Assembly resolution 2625 (XXV) and the Charter of Economic Rights and Duties of States contained in General Assembly resolution 3281 (XXIX). The use of unilateral coercive measures with extraterritorial effects seriously affects trade and economic cooperation and has a negative impact on the free movement of capital and the freedom of trade. Argentina believes that the adoption of coercive measures that deny people access to basic health care and food prevents the enjoyment of fundamental human rights, which cannot be violated on the rationale of national security interests.

Argentine Act 24.871 states that any foreign law that limits or prevents free trade and free movement of capital, goods or people, directly or indirectly, adversely affecting any country or group of countries, will not be applicable and will not have any legal effect within the territory of Argentina. Article 1 of this Act states that foreign laws intended to generate extraterritorial legal effects by imposing economic sanctions, or by limiting investments in another country, with the objective of changing its government will not have any legal effect within the territory of the Republic. Argentina reaffirms the indivisible, universal and interdependent nature of all human rights.

Belarus

[Original: Russian]
[23 June 2011]

The response of the Republic of Belarus refers to the continued restrictive measures of a political and economic nature by the European Union and the United States of America in relation to Belarus. In 2011, the European Council imposed visa and financial sanctions against several officials of the Republic on the grounds of falsification of the Presidential elections of 19 December 2010 and subsequent violent persecution of the democratic opposition, civil society and members of the independent mass media. As at 20 June 2011, the number of Belorussian citizens subject to sanctions on travel to the territory of the States members of the European Union reached 190. In addition, the European Union imposed economic sanctions against three Belorussian enterprises, namely, Beltekexporta, BT-Telekommunikazi and Sport-pari. Albania, Bosnia and Herzegovina, Croatia, Iceland, Liechtenstein, the former Yugoslav Republic of Macedonia, Montenegro, Norway and Serbia also joined the European Union sanctions against Belarus.

Since June 2006, the United States has imposed sanctions against officials of Belorussia affecting their property interests in United States territory. Since August 2007, United States visa restrictions have been applied against several categories of officials. During the period 2004-2011, a number of unilateral restrictive measures of an economic nature were applied by the United States of America against major Belorussian enterprises, including Belneftexim, BelTekExport, Belorusneft and Integral. The decisions of the European Union and the United States of America as well as the countries supporting their unilateral coercive measures in the form of sanctions directly affect the interests of ordinary Belorussian citizens and their enjoyment of economic, social and other rights, including the right to development. Such measures also affect the activities of Belorussian civil society, including journalists. Courts are under pressure from sanctions, which is not acceptable from the standpoint of preserving the independence of the judiciary and upholding rights.

Belarus is obliged to draw the attention of the General Assembly and the Human Rights Council to the unilateral coercive measures applied by the European Union, the United States of America and other countries, in violation of, inter alia, General Assembly resolution 65/217 and Human Rights Council resolution 15/24 on "Human rights and unilateral coercive measures". It recalls that according to the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, and the relevant principles and provisions contained in the Charter of Economic Rights and Duties of States, proclaimed by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, in particular article 32 thereof, no State may use or encourage the use of economic, political or any other type of measure to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it, advantages of any kind.

The Republic of Belarus welcomes the continued attention of the General Assembly and the Human Rights Council to the question of the realization of human rights in the context of unilateral coercive measures and is convinced of the need to set up in the Council a special procedure on unilateral coercive measures and their impact on human rights. Belarus supports the request contained in Human Rights

Council resolution 15/24 that the Office of the United Nations High Commissioner for Human Rights prepare a thematic study on the impact of unilateral coercive measures on the enjoyment of human rights, including recommendations on actions aimed at ending such measures.

Bosnia and Herzegovina

[Original: English]
[29 June 2011]

Bosnia and Herzegovina, as a sovereign, independent and internationally recognized country, is deeply convinced that no State should use or encourage other international actors to use economic, political or any other type of measures to coerce other States in order to make them subordinate to the State or to great power. Bosnia and Herzegovina takes this position because unilateral coercive measures are in direct contradiction to the standards of public international law and humanitarian law and therefore constitute a flagrant violation of international instruments signed and ratified by internationally recognized entities/member States of families of international organizations of the United Nations, the Council of Europe, the European Union and the like.

Human rights are interrelated and interdependent, and this means that they include as a fundamental human right the right to development through the support of free trade and the movement of people, goods, capital and services. The principle of free passage, or "laissez passer", was conceived in the times of the French revolution and is built into the foundations of the European Union. Bosnia and Herzegovina believes that restricting the right to development through the use of unilateral coercive measures greatly jeopardizes the human rights enshrined, in the first place, in the European Convention on Human Rights and Fundamental Freedoms, the Universal Declaration of Human Rights and numerous international instruments that it has signed and ratified.

Interference with free trade takes place at the expense of vulnerable populations in developing countries, including children, adolescents, women and the elderly. Unfortunately, legislative, economic and political unilateral coercive measures continue to prevail worldwide, significantly influencing the social situation in developing countries and the full exercise of human rights. In the light of the above, Bosnia and Herzegovina is of the view that it is necessary to raise public awareness of the negative impact of unilateral coercive measures and the importance of respecting the standards and principles of both public and private international law in order to create friendly relations between countries and promote and protect human rights.

Bosnia and Herzegovina strongly supports the implementation of the Declaration on the Right to Development and invokes the principle under the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights that no person shall be deprived of their own means of subsistence. Unilateral coercive measures are one-sided means of political force that directly conflict with the ideals of democratic States.

Burkina Faso

[Original: French]
[20 July 2011]

Burkina Faso supports General Assembly resolution 65/217 on "Human rights and unilateral coercive measures" and other documents adopted within the framework of other international bodies to prohibit the adoption of unilateral coercive measures by States. This includes Human Rights Council resolution 15/24 and previous resolutions of the General Assembly and the Human Rights Council on "Human rights and unilateral coercive measures"; the Final Document of the Fourteenth Conference of Heads of State and Government of the Non-Aligned Movement held in Havana in September 2006 and the recommendations of the World Conference on Human Rights held in Vienna in 1993, which all require that States refrain from the use of unilateral measures inconsistent with international law and the Charter of the United Nations.

Burkina Faso remains convinced that to preserve peace and security, States must necessarily seek to promote them through friendly and cooperative relations, based on the principle of equality among nations and their right to self-determination. The development of such relations requires that States refrain from adopting or executing unilateral coercive measures contrary to international law, including through recourse to war, militarism and negative economic and trade measures imposed unilaterally. These unilateral coercive measures are contrary to the fundamental principles of the Charter of the United Nations, the Charter of the African Union, and many other international legal instruments.

Compliance with the rules and principles established by international law, including humanitarian law, are the only means to establish international relations that are peaceful and respectful of human rights. State sovereignty and non-intervention in the internal affairs of other States are fundamental principles embodied in the Charter of the United Nations which should guide relations among States. In the view of Burkina Faso, in the current international context marked by divergence of State interests, but also by the development of multilateral frameworks for dialogue between States, the challenges in international relations must necessarily be addressed within these frameworks. The mechanisms established under the United Nations, including the Security Council, and other international and regional multilateral organizations are the only legitimate authorities to decide on appropriate measures to safeguard security and to encourage a State to comply with international standards. All coercive measures adopted unilaterally by one State against another, regardless of the purpose, are contrary to international law and should therefore be prohibited.

The resort to direct or indirect war or armed force by one State against another always causes disastrous effects, for both human rights and the development of nations. All States should seek at all costs to resolve their differences through the mechanisms of peaceful resolution of disputes recognized by international law. As a peace-loving country, Burkina Faso has always tried to promote healthy relationships and friendships with other States. It is this spirit of peace that led to the active involvement of the Head of State of Burkina Faso in conflict resolution in the subregion, including in Côte d'Ivoire and Togo.

Burkina Faso, as a Member State of the United Nations, the African Union and many other international and regional organizations, attaches great importance to multilateralism in international relations, as is evidenced by its active participation in various regional and international frameworks. Burkina Faso is a member of the Human Rights Council. The multilateral frameworks are appropriate and legitimate for the resolution of challenges encountered in inter-State relations and issues that may threaten international peace and security. Burkina Faso upholds the rule of law and is committed to the principle of equality, both nationally and internationally. In accordance with the standards and principles of international law, Burkina Faso has not adopted unilateral coercive measures against any other State.

From the perspective of the law in Burkina Faso, international standards have primacy over internal legislative and administrative measures. Under Article 151 of the Constitution of Burkina Faso, its international obligations, particularly in the context of agreements duly ratified, supersede national laws. Therefore, measures that are contrary to the Charter of the United Nations and the international standards and principles to which Burkina Faso has agreed are prohibited by law. The authorities of Burkina Faso, committed to the core values that guide international relations, are willing to cooperate with other States and international bodies for the development of friendly relations and cooperation in the world.

Cuba

[Original: Spanish]
[26 May 2011]

Cuba points out that numerous resolutions of the General Assembly, the Human Rights Council and the former Commission on Human Rights, as well as political declarations approved at major international summits and conferences of the United Nations, have ruled that the application of unilateral coercive economic measures is a violation of the Charter of the United Nations and of international law. The implementation of unilateral coercive measures as an instrument of political and economic coercion threatens the enjoyment of all human rights, beginning with the right to life, as well as the independence, sovereignty and right to self-determination of peoples. The main victims of those measures are the people of the countries against which they are applied, especially the most vulnerable groups — children, women, the elderly and persons with disabilities.

Cuba recalls that the General Assembly decided in 1970 that no State may use or encourage the use of economic, political or any other measures to coerce another State in order to obtain the subordination of the exercise of its sovereign rights or to obtain from it advantages of any kind. This was endorsed by the Declaration on the Principles of International Law concerning Friendly Relations and Cooperation between States.

Cuba indicates that it has been a victim for over 50 years of the application of unilateral coercive measures and that it therefore attaches particular importance to the consideration of this matter by the Human Rights Council and the General Assembly. Cuba believes that the application of such measures has been a fundamental instrument of a policy of hostility and aggression of the United States of America against Cuba, seeking to destroy the political, economic and social system established by the sovereign will of the Cuban people. Cuba believes that the

economic, commercial and financial embargo imposed by the United States against Cuba is the "longest and most cruel system of unilateral sanctions which has been applied against any country or witnessed by the history of humankind". The purpose of the economic, commercial and financial embargo was the destruction of the Cuban revolution, as laid down on 6 April 1960.

Cuba maintains that the embargo constitutes an essential component of a policy of State terrorism deployed against Cuba by successive American administrations which, in a systematic, cumulative and inhumane way, has affected all Cuban people, regardless of age, sex, race, religion or social status. The Cuban submission asserts that this policy qualifies as an act of genocide under subsection (c) of Article II of the Geneva Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948.

Cuba refers to the so-called Torricelli Act of 1992 and the Helms-Burton Act of 1996, which, it says, contain provisions that are contrary to the Charter of the United Nations, in violation of international law and World Trade Organization agreements. Through these laws of markedly extraterritorial nature, the United States Government has strengthened and extended to third countries, their companies and citizens, the application of the economic, commercial and financial embargo imposed against Cuba for 50 years.

Cuba has observed that, in an effort to justify the blockade against Cuba and its people, the United States Department of State has included Cuba, without any grounds, in a list elaborated unilaterally of perpetrators of alleged violations of human rights, human trafficking, sex tourism, practices of terrorism, religious intolerance, etc.

Despite a media and diplomatic offensive by the United States Government and the adoption by it of some cosmetic measures, the embargo remains intact today and continues to be applied rigorously, with the political, administrative and repressive mechanisms for its implementation having been strengthened. There has been no action to dismantle the web of laws and administrative regulations/requirements that form the legal basis and regulations of the embargo. On 11 September 2009, the implementation of the embargo against Cuba was extended, based on "the national interest of the United States" and the 1917 Act of Trade with the Enemy, which applies only to situations of war and is valid only for Cuba. Sanctions apply to North American and European companies doing business with Cuba. This policy impedes exchanges of a scientific, cultural or touristic nature and promotes theft of trademarks and the freezing of millions of dollars of Cuban funds in the United States. More pressure is applied to subordinate relations with Cuba for the purposes of "regime change" and financial support is offered for actions aimed at overthrowing the constitutional order in Cuba.

Cuba notes that the application of the embargo is not a bilateral issue only between Cuba and the United States. Repeated extraterritorial application of United States laws and the persecution against the legitimate interests of businesses and citizens of third countries significantly affect the sovereignty of many other States as well. The damages caused by the extraterritorial nature of unilateral coercive measures are multiplied by the important participation of the United States and its enterprises in trade and transnational investment. The investments of both third-country companies in the United States and of North American companies abroad, mainly in the form of mergers and partial or full acquisitions of companies,

exacerbate the extraterritorial effects of these measures, by reducing the external economic space of Cuba and make it more difficult, sometimes impossible, to find partners and suppliers to avoid the strict blockade imposed by the United States.

The Cuban submission states that, according to conservative estimates, the direct damage to Cuba resulting from the blockade until December 2009 exceeds tens of billions of dollars. Despite the approval of the most recent resolution of the General Assembly calling for the lifting of the economic, commercial and financial embargo against Cuba, adopted by an overwhelming majority of Member States on 28 October 2010, and notwithstanding the existence of 18 previous resolutions that include this just demand, the United States Government has continued to pursue this action against Cuba.

The Cuban submission also states that the United States Government has recruited mercenaries to carry out acts against Cuba. In 2009, the Office of Foreign Assets Control fined seven entities for violating the blockade against Cuba in the amount of $315,503. The sum of fines on individuals and entities amounted to $340,678. In the first half of 2010, fines imposed on companies amounted to $2,221,671. The Office of Foreign Assets Control applied other million dollar fines for trade not only with Cuba, but also with other countries under/by virtue of unilateral coercive measures. The entities of third countries subjected to fines included Credit Suisse Bank of Switzerland, Australia and New Zealand Bank Group Ltd. and the subsidiary in Sweden of the chemical company Innospec Inc. based in Delaware. In May 2009, the Office of Foreign Assets Control refused the request of the Banco Popular Español to release funds amounting to €107,770.95 blocked via a transfer from Madrid to Moscow, realized by Cubana de Aviación in December 2008.

The submission continues that, since the acquisition of the Lemery Company of Mexico by the Israeli transnational company Teva with United States capital, Cuba can no longer buy the cytostatic dactinomycin, the most useful drug in the treatment of sarcomas (malignant neoplasm). The use of this product would allow an increase in the survival rate of patients to over 70 per cent of all cases. Sensitive sectors, such as food, health, education and culture, have been among the main targets of this policy, which affects quality of life. The following are examples between May 2009 and April 2010. Cuba has no access to the medicine temozolamide (Temodar), specific cytostatic for use in central nervous system tumours (gliomas and astrocytomas). This affects approximately 250 patients annually, of which about 30 are children. The Pediatric Cardiology Centre "William Soler" is prevented from acquiring devices, such as catheters, coils, guides and stents, used for diagnosis and treatment by interventional catheterization for children with complex congenital heart disease. American companies are prohibited from selling these products to Cuba. Cuban children are denied the use of the American device Amplatzer made of special materials in order to avoid organic rejection/refusal. This device is used in open heart surgery, an intervention, in addition to being risky, that requires intensive care and recovery for three weeks. The Institute of Oncology and Radiobiology of Cuba is prevented from using plates of radioactive iodine in the treatment of retinoblastoma tumour (congenital tumour that grows on the retina) through inability to acquire these plates, which can be purchased only in the United States. In the absence of this technology, which is basically intended for children, the only alternative is the removal of the eye and, in

some cases, the removal of both eyes, a medical method entailing serious limitations for life.

In the food industry, the import company Alimport was affected between May 2009 and April 2010 in the approximate amount of $102,900,000 by the concept of "risk country" in the form of banking and financial costs and costs for the modality of payment instruments. If Cuba had these funds at its disposal, it could have purchased 337,000 tons of wheat, 451,000 tons of maize and 109,000 tons of chicken at 2008 average prices. In the field of education, Cuba has been prevented from acquiring the necessary equipment for 60 therapeutic classrooms for children with motor disabilities since it does not have access to the United States market and has to resort to markets that are more distant and more expensive. The cost of these classrooms is around €14,000 on the European market, but in the United States does not exceed $8,000 dollars.

According to the submission, from May 2008 to May 2010, the total amount of Cuban imports in this sector fell to $18,200,000, of which 10 per cent was spent on freight. If Cuba had access to the United States market, it would have had to devote only 3.7 per cent to pay the freight, so it would have been able to buy offset paper for the printing of all textbooks needed for education (primary, secondary, etc.), all tracing toolkits for teaching mathematics in elementary schools and special education, and 150,000 sets of acrylic board markers for educational purposes around the country in the school year.

Cuba notes that, in the cultural arena, a bilateral agreement was signed in 2002 with the National Social Sciences Research Council of the United States of America, which would support the project for conservation of the house-museum of Ernest Hemingway and supply materials for the scanning of correspondence and documents from the Hemingway collection. However, the Treasury Department did not authorize the transfer to Cuba of the funding necessary to implement this project. These are illustrative examples of laws, regulations and practices that support the embargo and that have remained in force, reinforcing the political, administrative and repressive mechanisms for its effective and deliberate implementation.

The requirement to respect international law applies equally to everyone. Cuba states that it is unacceptable that the Government of the United States of America continues to maintain the embargo, which worsens the living conditions of the Cuban people, and ignores the fact that the international community has been calling for an end to the blockade against Cuba for 19 years in successive resolutions of the General Assembly, while it simultaneously condemns the application of unilateral coercive measures in the Assembly and several of its subsidiary organs.

The application of this policy of blockade continues to be the main obstacle to the economic and social development of Cuba and constitutes a flagrant, massive and systematic violation of human rights and a transgression of the right to peace, and the development and the security of a sovereign State. The continued support of the international community and its strong pronouncement against the application of such measures has been an important tool in the struggle of the Cuban people. It is important that the international community increase the political pressure on the United States Government, calling for an end to this inhumane and obsolete policy, according to the Cuban submission.

Dominican Republic

[Original: Spanish]
[27 June 2011]

General Assembly resolution 65/217 seeks to reaffirm the principles and provisions enshrined in the Charter of the United Nations, previous resolutions of the Human Rights Council and the Commission on Human Rights, as well as norms of international humanitarian law, which establish that unilateral coercive measures and laws applied by a State generate negative consequences, including extraterritorial effects for social and humanitarian activities, as well as for the economic and social development of developing countries. This resolution is a response to multiple calls from Member States of the United Nations with regard to the serious damage that unilateral coercive measures applied by States on other States generate on populations, particularly children, women, the elderly and persons with disabilities, in the Latin American region. The reports presented by Cuba, Mexico and Venezuela are particularly relevant.

The Charter of the United Nations, in force since 24 October 1945, in particular, Article 10, states that "the General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters". The Dominican Republic, as a Member State of the United Nations, does not underestimate the role of the said institution in the overall process of the formation and development of international law.

The commitment of the Dominican Republic to the international community is enshrined in the Constitution of 26 January 2010, in its Article 26, paragraphs 3 and 4, which state: "the international relations of the Dominican Republic are founded and governed by the affirmation and promotion of its national values and interests, the respect for human rights and international law". "On an equal footing with other States, the Dominican Republic accepts an international legal order that ensures respect for fundamental rights to peace, justice, and the political, social, economic and cultural development of nations. It commits to act at the international, regional and national levels in a manner consistent with national interests, peaceful coexistence among peoples and the duty of solidarity with all nations."

Ecuador

[Original: Spanish]
[6 July 2011]

As a sovereign State, Ecuador does not apply unilateral coercive measures which are contrary to international law, the United Nations Charter and the rules and principles that govern peaceful relations between countries and which could prevent the full achievement of the economic and social development of the population, in particular the development of children and women.

Ecuador does not adopt measures that could harm the well-being of its population and prevent it from enjoying human rights. On the contrary, Ecuador

wants to implement measures to improve the living standards and the security level of the population, based on the principles and objectives established in the National Development Plan of Ecuador-National Plan for Well-being. The Government of Ecuador pays special attention to the right of each person to enjoy living standards that provide health and education and the right to food, health care, education and social services. Access to food and medication should not be used as a political tool.

Guatemala

[Original: Spanish]
[8 June 2011]

The response of the Presidential Commission for Coordinating Executive Policy in the Field of Human Rights in Guatemala underlines that the State of Guatemala has duly complied with resolution 65/217 and has not adopted any unilateral coercive measures which would be contrary to international human rights law and the Charter of the United Nations, as well as the principles of a State struggling for the strengthening of democracy and for respect for human rights.

Guyana

[Original: English]
[14 June 2011]

Guyana is both mindful of and agrees with the general considerations outlined in resolution 65/217, particularly article 32 of the Charter of Economic Rights and Duties of States, proclaimed by the General Assembly in its resolution 3281 (XXIX) of 1974, insofar as it condemns use by a State of economic, political or any other type of measure to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights. It shares in the position of the General Assembly that such unilateral coercive measures and legislation are contrary to international law, international humanitarian law and the Charter of the United Nations, which form part of general customary international law and the norms and principles governing peaceful relations among States. Guyana has no legislation or other forms of coercive measures which encourage the use of economic or political coercion. It joins in the condemnation of States which resort to such measures and urges them to effectively reverse such actions.

Guyana reaffirms its commitment to make good-faith efforts to fulfil its international obligations under international instruments to which it has acceded, including the Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights. After the first free and fair elections in October 1992, following a long struggle for the restoration of democracy, Guyana has focused on the improved well-being and quality of life of its people, and its Parliament has enacted a series of statutes that specifically promote and protect the human rights of individuals as well as vulnerable groups of persons. Guyana, through its Executive, Legislature and Judiciary, collaborates to enhance the implementation of human rights treaties and recognizes the universal, indivisible, interdependent and interrelated character of all human rights.

With regard to the reference in the resolution to "reaffirming the right to development as an integral part of all human rights", Guyana's Constitution, Part 2, Title 1, "Protection of Fundamental Rights and Freedoms of the Individual", Article 149C, states that "no person shall be hindered in the enjoyment of participating through cooperatives, trade unions, civic or socio-economic organizations of a national character, in the management and decision-making processes of the State". Article 14 of the Constitution states that "the goal of economic development includes the objective of creating, promoting and encouraging an economic system capable of achieving and maintaining sustainable competitive advantage in the context of a global competitive environment, by fostering entrepreneurship, individual and group initiative and creativity, and strategic alliances with domestic and global business partners". Guyana shares in the concern about the negative impact of unilateral coercive measures on international relations, trade, investment and cooperation.

As a member of the Caribbean Community (CARICOM), Guyana supports regional integration and consequently the establishment of a Caribbean Single Market and Economy. As a member of the Union of South American Nations (UNASUR) and the Organization of American States, Guyana takes seriously its obligations and commitments to these bodies. There exist claims on Guyana's territory by two neighbouring countries — Suriname and Venezuela. Guyana chose to resolve the issue of its maritime boundaries with Suriname by utilizing the available remedies in the International Law of the Sea and the International Arbitral Tribunal, rather than through coercive measures. Guyana maintains good relations with both these countries and is committed to the United Nations good offices process with regard to the controversy with Venezuela. Guyana, although a small developing country, has reached out to assist States that have faced natural disasters, like Grenada, Haiti, Japan, Saint Vincent, Saint Lucia and Venezuela.

Guyana is gravely concerned about the situation of children who are the main victims of unilateral coercive measures. It recognizes that every child has a right to grow to adulthood in health, peace and dignity and, to this end, has undertaken efforts to ensure the rights of children to health, nutrition, education, and social and emotional development. Similarly, in keeping with the Convention on the Elimination of All Forms of Discrimination against Women and other international standards, Guyana has developed comprehensive constitutional and legislative provisions and policies to promote and protect women's rights. These reforms are important to prohibit the persistence of unilateral coercive measures which have negative implications for social and humanitarian activities and economic and social development of developing countries like Guyana. Guyana remains committed to eradicating all forms of unilateral coercive measures which create obstacles to both development and human rights.

With reference to paragraph 2 of the resolution concerning the right to "food, medical care and education", Guyana places emphasis on the right to food and has taken positive measures to eliminate hunger and promote food security. Guyana ensures that health-care delivery is based on equity and accountability. Its education policy ensures that all citizens, regardless of race, age, creed, physical or mental disability, have opportunities to achieve their full potential through equal access to quality education within available resources. The provision of necessary social services, such as food, medical care, education and social safety nets, "are not used as tools for political pressure".

Guyana is both mindful of and agrees with the principle of self-determination alluded to in paragraphs 4 and 7 of resolution 65/217, under which nations have the right to freely choose their sovereignty and international political status with no external compulsion or interference. Consequently, it shares in the condemnation and rejection of unilateral coercive measures adopted by any State, multilateral or international developmental agency. Guyana reiterates that unilateral coercive measures constitute a major obstacle to the full realization of human rights, development of societies, security and peaceful resolution of conflicts at the regional and global levels.

Iraq

[Original: Arabic]
[22 July 2011]

The Republic of Iraq fully supports General Assembly resolution 65/217 and reiterates the need for all States to refrain from unilateral coercive measures. Despite several resolutions on this issue, States still resort to the use of such arbitrary measures. Iraq condemns the use of arbitrary, extraterritorial, unilateral measures used to exert political pressure on other States. Such measures have a negative impact on human rights, including the basic right to food, health and development. Iraq stresses the importance of practical and preventive measures in the face of unilateral coercive measures.

Kuwait

[Original: Arabic]
[24 June 2011]

Human rights are enshrined in the Universal Declaration of Human Rights and several other international instruments and are also contained in the majority of national constitutions. They apply to relations between States and individuals and are also of importance to relations between States. All human rights must be upheld without exception or selection. Kuwait supports all efforts by the Office of the United Nations High Commissioner for Human Rights towards the rejection and elimination of unilateral coercive measures. Such measures are used to exert political pressure and pose obstacles to international relations and trade. Kuwait supports the implementation of General Assembly resolution 65/217 and extends its support and cooperation in this regard. It is important not to politicize the legal issues involved in its implementation. It is necessary to study the issue of human rights and unilateral coercive measures and to do a comprehensive and complete assessment of United Nations resolutions on this subject, including obstacles facing the achievement of the objectives of these resolutions.

Kuwait refuses to adopt any legislative, administrative or economic measures of a coercive nature or measures that obstruct the economic and cultural development of other States in order to force them to adopt certain policies. Unilateral coercive measures have negative effects on the populations of developing countries and development as laid out in the Declaration on the Right to Development. They impede the full enjoyment of all human rights, including the most elementary rights to food and medical care. Kuwait supports the decisions of

the General Assembly in relation to the Right to Development and rejects the imposition of unilateral coercive measures which impede this right.

Kuwait continues in its approach to international development assistance and support to more than 100 developing countries and least developed countries, for instance through the Kuwait Development Fund, and also through its work for sustainable development at the national level. Kuwait believes in the importance of development and its relationship to human rights and finds this to be an area to connect individuals and communities.

III. Analysis and conclusions

3. **With regard to General Assembly resolution 65/217, a total of 11 Member States submitted their views on human rights and unilateral coercive measures. Collectively, all States which responded were unequivocal in their objection to the use of unilateral coercive measures.**

4. **Respondent States rejected the use of unilateral coercive measures by any State, multilateral or international development agency. Such measures were viewed as violations of human rights and as obstacles to the full realization of human rights, development of societies, peace and security, and resolution of disputes and conflicts. Several States also stated that they do not resort to such measures as a matter of principle.**

5. **Most respondents referred to the principles of international law which include the obligation of States to refrain from adopting or applying unilateral measures that are contrary to the Charter of the United Nations and public international law. Such measures were said to contravene the ideals of democratic States and the basic principles of State sovereignty, independence, sovereign equality, self-determination and non-intervention in internal affairs. Unilateral coercive measures involve both private and public international law, including international humanitarian law, and therefore constitute a violation of several international as well as regional instruments. Relevant instruments cited by States include the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, and the Charter of Economic Rights and Duties of States (under which no State may use or encourage the use of economic, political or any other type of measure to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind).**

6. **States recalled that under the International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights, no person can be deprived of his/her own means of subsistence. Several States also reaffirmed their support for the implementation of the Declaration on the Right to Development. It was noted that the use of unilateral coercive measures with extraterritorial effects seriously affects trade and economic cooperation and has a negative impact on the free movement of capital and the freedom of trade, which in turn constitute obstacles to realization of the right to development of persons living in affected countries.**

7. Respondents referred to different forms of sanctions of an economic, commercial and financial nature. They include: trade embargoes; restrictions on finance and funding, property, intellectual property, visas and travel; and interference with exchanges of a scientific, cultural or touristic nature. Extraterritorial application of laws and interference with interests of businesses and citizens of third countries are also involved, especially in the areas of trade and investment.

8. States observed that unilateral legislative, economic and political unilateral coercive measures continue to prevail worldwide, with far-reaching negative implications for countries against which such measures are adopted, and more broadly, on human rights and development in developing countries. The main victims are said to be the people of the countries against which these measures apply, especially the most vulnerable — children, women, the elderly and persons with disabilities. Realities on the ground in affected countries included extreme hardships, denial of access to life-saving medication, especially paediatric medicines, basic food products, educational facilities and cultural amenities. The adoption of such coercive measures has a direct impact on the enjoyment of fundamental human rights.

9. Several States reaffirmed the indivisible, universal, interrelated and interdependent nature of all human rights and the close relationship of this recognition to the maintenance of peaceful relations between States. States reiterated their belief in the relationship between development and human rights, as well as peace. To preserve international peace and security, all States must promote them through friendly and cooperative relations based on the principle of equality between nations and their right to self-determination. In view of the current international context marked by divergence of State interests, and also by the development of multilateral frameworks and multilateralism for dialogue between States, challenges in international relations must be addressed within the multilateral setting. It was stated that the mechanisms established under the United Nations, including the Security Council, and other international and regional multilateral organizations are the only legitimate authorities to decide on appropriate measures to safeguard security and to encourage a State to comply with international standards.

10. By way of practical and preventive steps in the face of unilateral coercive measures, some States expressed the view that it is necessary to raise public awareness of the negative impact of unilateral coercive measures and the importance of respecting standards and principles of both public and private international law in order to create friendly relations between countries, and to promote and protect human rights. States cited national constitutional and legislative provisions, including those which upheld the values of peaceful coexistence among peoples and the duty of solidarity with all nations.

11. Some States have enacted legislation providing that any foreign law that limits or prevents free trade and free movement of capital, goods or people, directly or indirectly, adversely affecting any country or group of countries, will not be applicable and will not have any legal effect within their territories. States also gave examples of legal provisions stating that foreign laws intended to generate extraterritorial legal effects by imposing economic sanctions, or by

limiting investments in another country, with the objective of changing its government will not have any legal effect within their territories.

12. References were made to internal measures adopted to uphold human rights and advance social and economic development both within territories and beyond, also restating the belief that access to basic necessities should be open to all, and that access to food, health care and education should under no circumstances be used as political tools, whether within States or in the broader international community. States provided illustrative examples of policies and actions adopted to promote human rights and development, both for their own populations and by way of international assistance and cooperation, especially for the benefit of people in developing countries.

13. One State suggested the establishment of a Human Rights Council special procedure on unilateral coercive measures and their impact on human rights, and explicitly supported the request contained in Human Rights Council resolution 15/24 that the Office of the United Nations High Commissioner for Human Rights prepare a thematic study on human rights and unilateral coercive measures, including recommendations on actions aimed at ending such measures. Some States welcomed the continued attention of the General Assembly and the Human Rights Council to the issue of human rights and unilateral coercive measures.